

2.62.160 MILITARY SERVICE LEAVE:

1. A military leave of absence without pay will be granted to any employee who enters any branch of the United States armed services (uniformed services). The employee will be reinstated to the same or a comparable position if application for reemployment is made within ninety (90) calendar days of the date of an honorable discharge. Service members who have been hospitalized or are convalescing related to injury or illness incurred by military service, may have up to two (2) years to recover before they must apply for reemployment.
2. The City will continue to make retirement contributions for a total and maximum amount of five (5) years as if the returning veteran had not been absent from work unless otherwise prohibited by State law.
3. Full time regular employees who are members of the organized U.S. army, air force, navy, coast guard, marine reserves or state national guard shall be permitted paid leave for up to fifteen (15) days' active duty training per calendar year and shall be compensated at their regular base rate of pay from the City. This leave shall be in addition to annual vacation leave with pay.
4. Full time regular employees who are called up to active duty by Presidential Order will be provided the following benefits:
 - a. Subject to availability of funds, the City will pay the difference between the employee's regular pay at time of call up and their military pay, for a period not to exceed twenty-four (24) consecutive months.
 - b. The City will continue to pay its share of the insurance premium for medical, dental and basic life insurance, for a period not to exceed twenty-four (24) consecutive months. The employee must notify the City, in writing, if employee wants to continue City insurance coverage. The employee also has the option of using accrued vacation time to pay for their portion of the insurance premium.
5. Employee notice for military leave must be given to the Department Director usually accompanied by a copy of the employee's military orders no later than two (2) calendar weeks prior to the commencement of leave.
6. Military leave will not be considered hours worked for the purposes of computing overtime.
7. Family and Medical Leave Act (FMLA 29 CFR PART 825):
 - a. Under the FMLA, up to twelve (12) weeks of unpaid leave shall be authorized to employees for birth, adoption, placement of a foster child or for a serious health condition of the employee, or care of a spouse, dependent child (under 18 years or disabled) or a parent of the employee with a serious health condition.

- b. The twelve (12) weeks of unpaid leave shall be based on the twelve (12) month period measured forward from the date the employee's first FMLA leave begins.
- c. To be eligible for FMLA leave, an employee must have been employed by the City at least twelve (12) months, and have worked at least one thousand two hundred fifty (1,250) hours within the previous twelve (12) month period.
- d. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.
- e. The City shall require the employee to substitute any of the employee's accrued paid vacation leave or sick leave which may be used only for employee's own illness or to care for a seriously ill member of the employee's immediate family for any part of the twelve (12) week leave period identified above, except as otherwise allowed under subsection A3 of this section.
- f. If spouses are both employed by the City and seek leave for the birth of a child, placement for adoption or foster care or to care for a parent with a serious health condition, their combined leave is limited to twelve (12) weeks.
- g. When medically necessary, due to a serious health condition, leave may be taken on an intermittent, reduced work week or daily hours basis.
- h. Leave taken for purposes of childbirth, adoption, placement for adoption or foster care shall not be taken by an employee on an intermittent or reduced work week or daily hours basis unless it is mutually agreed to by both the City and employee.
- i. If the need for leave is foreseeable, the employee should give at least thirty (30) days' notice, before the leave is to begin, that the employee intends to take leave. If the situation requires leave to begin in less than thirty (30) days, the employee should provide such notice as soon as possible.
- j. An employee returning from leave will be reinstated to the same job or an equivalent position.
- k. An employee on an unpaid family or medical leave will be retained on the City health plan on the same conditions as other employees.
- l. Employees who fail to return to work after FMLA leave shall reimburse the City for health plan premiums paid in behalf of the employee.
- m. The City shall require medical certification for leaves based on employee or family member illness and may also require a second medical opinion at the City's expense, and a fitness for duty report to return to work.

n. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of active duty that may render the service member medically unfit to perform their duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.